



**In the United States Patent and Trademark Office**

**Petition to the Director of USPTO (37 CFR 1.181)**

Serial Number: 10/728,935  
Application Filed: December 8, 2003  
Applicant: Kia Silverbrook and Tobin Allen King  
Application Title: Printhead Assembly Incorporating One or More Printhead Modules

Examiner/GAU: Juanita Dionne Stephens / 2853

Dated August 23, 2005  
At Balmain, Australia  
Docket No. ZE017US

**Requests**

1. Applicant hereby petitions for either:
  - (a) a Notice of Allowance in respect of the claims filed on July 27, 2005; or
  - (b) withdrawal of the finality of the Office Action issued on July 11, 2005, and issuance of a new Office Action
2. Applicant also petitions for a refund of the fee for filing a Request for Continued Examination.

**Facts of Case**

1. In a Final Office Action issued on July 11, 2005, the Examiner indicated that claim 5 would be allowable if combined with claim 1.
2. On July 27, 2005, Applicant filed a response to the Final Office. In this response, claims 1 and 5 were combined. No further amendments were filed.

3. An Advisory Action was issued on August 5, 2005. In this Advisory Action, the Examiner stated that "the amended claims changes the scope of the claims, which raise new issues that would require further consideration and/or search".

**Applicant's Submissions**

1. Applicant submits that the Advisory Action is improper, because Applicant's amendment did not raise any new issues for further consideration and/or search.
2. Applicant's amendment followed precisely the Examiner's recommendation as to which subject-matter in the claims was considered to be allowable.
3. If the Examiner has reconsidered her previous advice, then the appropriate course would be to withdraw the finality of her previous Office Action, not issue an Advisory Action requiring Applicant to pay more fees.

Very respectfully,

Applicants:



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KIA SILVERBROOK



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PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031  
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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/728,935
Filing Date	December 8, 2003
First Named Inventor	Kia Silverbrook
Art Unit	2853
Examiner Name	Juanita Dionne Stephens
Attorney Docket Number	ZE017US

**Enclosed is a petition filed under 37 CFR 1.181 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:  
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.
- ☒ Check in the amount of \$ 130.00 is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Kia Silverbrook and Tobin Allen King

Typed or printed name

August 23, 2005

Date

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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